

<b>Examiner-Initiated Interview Summary</b>	<b>Application No.</b> 10/804,778	<b>Applicant(s)</b> GROSS ET AL.	
	<b>Examiner</b> SCARLETT GOON	<b>Art Unit</b> 1623	

  

**All Participants:**

(1) SCARLETT GOON

(2) Mr. Laurence Colton, Applicants' atty.

**Date of Interview:** 17 November 2010

**Type of Interview:**

☒ Telephonic

☐ Video Conference

☐ Personal (Copy given to: ☐ Applicant    ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes    ☐ No

If Yes, provide a brief description: \_\_\_\_\_

**Part I.**

Rejection(s) discussed:  
*see below*

Claims discussed:  
*see below*

Prior art documents discussed:  
*none*

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*Mr. Colton was contacted regarding Applicants' amendment filed on 27 October 2010. The Examiner indicated that the amendment did not put the claims in condition for allowance, specifically, because they raised issues under 35 USC § 112/2<sup>nd</sup> paragraph. Furthermore, the amendment to include a method of use was previously restricted out and pertains to non-elected subject matter. The Examiner noted that a review of the application history showed that three RCEs have been filed in this application, and further indicated to Mr. Colton that no allowable subject matter in the method of preparation could be identified since the prior art discloses the claimed method of preparation and furthermore suggests the claimed concentration. However, the Examiner suggested Applicants consider pursuing the method of using the disclosed composition for treatment as that may be patentable, although the Examiner cautioned that no search on that subject matter has yet been performed.*

**Part III.**

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.

☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/SCARLETT GOON/  
Examiner, Art Unit 1623

**Status of Application:** pending

(3) \_\_\_\_\_

(4) \_\_\_\_\_

**Time:** 3:42 pm

(Applicant/Applicant's Representative Signature – if appropriate)